UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,214	02/24/2004	Robert Lee Burchette JR.	30924-001	8815

7590 11/16/2006

John B. Hardaway, III
NEXSEN PRUET, LLC
P.O. Box 10107
Greenville, SC 29603

EXAMINER	
BROWN, VERNAL U	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/785,214	BURCHETTE, ROBERT LEE	
	Examiner	Art Unit	
	Vernal U. Brown	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *16 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17,19,20,23-26,28-30 and 34-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17,19,20,23-26,28-30,34-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)✓
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on October 16, 2006

Response to Amendment

The examiner has acknowledged the amendment of claims 17, 19, 23, 24, 30, and 3.

Response to Arguments

Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's argument regarding claim 26, the recitation of an aftermarket device has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding applicant's argument regarding claims 34-38, the reference of Hsu teaches the storing of the fingerprint information on the vehicle (col. 4 lines 54-57). The reference of Bonder is relied upon for teaching the use of a password protected detachable programming unit for programming new fingerprint (col. 5 lines 20-22).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19-20, 23-26, 28-29, and 34-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 19-20, 23-26, 28-29, and 34-37, the limitation of a rigid cover is not described in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 19, 20, 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of DeBono US Patent 6927671 and further in view of Radke US Patent Application Publication 20040155752.

Regarding claim 19, Hsu et al. teaches a device to provide fingerprint access to the interior of a vehicle comprising;

a protective housing including a fingerprint sensor 14 mounted on the exterior of the vehicle (figure 2) (col. 4 lines 42-45);

a wired means for connecting the fingerprint sensor 14 to an electric circuit (30) for storing and verifying electronic fingerprint information (col. 4 lines 54-57);

means (34) to activate a device (door) to allow access control upon verification of electronically stored fingerprint information (col. 4 lines 61-65). Hsu et al. is silent on teaching a rigid hinged cover, means for switching the circuit from a low-power sleep state to a higher-power active state for enabling the fingerprint sensor to acquire the fingerprint, and is also not explicit in teaching means for connecting the sensor to a power source. DeBono in an art related biometric vehicle control system teaches a biometric sensor protected by a flip cover (col. 7 lines 10-15). A flip cover is considered a hinged cover. DeBono further implied that the flip cover for the biometric sensor is rigid because a flexible material is not convenient for flipping. Radke in an art related fingerprint reader invention teaches a fingerprint sensor connected to a power supply (figure 12) and teaches means for switching the circuit from a low-power sleep state to a higher-power active state for enabling the fingerprint sensor to acquire the fingerprint (paragraph 0032).

It would have been obvious to one of ordinary skill in the art to modify the fingerprint system of Hsu et al. as disclosed by Debono in view of Radke at the time the invention was made because a hinged cover protect the fingerprint sensor and provides easy access to the fingerprint sensor. The means for switching the circuit from a low-power sleep state to a higher-power active state provides the means to conserve the power supply of the fingerprint sensor.

Regarding claim 20, Hsu et al. teaches the fingerprint sensor is housed in the protective housing of the door handle (col. 4 lines 33-36) and the fingerprint sensor is sealed as shown in figure 3.

Regarding claim 23, Hsu et al. teaches a switch to activate the electronic circuit (col. 4 lines 62-67).

Regarding claims 24-25, Hsu et al. teaches means such as ignition switch, climate control, and seat adjuster for selecting the function (figure 5).

Regarding claim 26, Hsu et al. teaches the electronic circuit (30) for storing and verifying the fingerprint is with the protective housing provided by the vehicle (col. 4 lines 55-57).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of DeBono US Patent 6927671 in view of Radke US Patent Application Publication 20040155752 and further in view of Foster, Jr. US Patent 5668929.

Regarding claim 17, Hsu et al. teaches a fingerprint sensor for receiving a fingerprint (see response to claim 19) and the reference of DeBono teaches a backup battery for powering the biometric controlled system in case of the vehicle battery failure and also teaches the battery is useable as a primary source (col. 9 lines 64-67). The use of the backup battery as the primary source implied that the battery is used to operate the vehicle. but is silent on teaching a backup battery with sufficient capacity to enable a vehicle to start when a main battery has been discharged. DeBono is however not explicit in teaching the backup battery is rechargeable.

Foster, Jr. in an art related security system invention teaches the use of a rechargeable backup battery for providing power (col. 8 lines 51-60) in order to extend the life of the battery.

It would have been obvious to one of ordinary skill in the art to modify the fingerprint system of Hsu et al. as disclosed by DeBono in view of Foster, Jr. because the backup battery allows the vehicle to be accessed in the case when the vehicle main power supply is exhausted and the use of a rechargeable backup battery extends the life of the battery.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of DeBono US Patent 6927671 in view of Radke US Patent Application Publication 20040155752 and further in view of Carta International Publication WO 02/091311.

Regarding claims 28-29, Hsu et al. teaches a fingerprint sensor for receiving a fingerprint (see response to claim 19) but is silent on teaching a radio frequency shuttle card containing the fingerprint information. Carta in an art related biometric access control system teaches shuttle card in the form of a radio frequency smart card storing biometric data (abstract).

It would have been obvious to one of ordinary skill in the art to modify the fingerprint system of Hsu et al. in view of DeBono in view of Radke as disclosed by Carta because smart card provides a convenient and cost effective means for storing and transporting the identification data necessary for operating a biometric access control system.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Radke US Patent Application Publication 20040155752 in view of Shohara et al. US Patent 6473607.

Regarding claim 30, Radke teaches conserving energy to a fingerprint reader by entering a sleep mode after a predetermined amount of time after detecting a fingerprint and re-energizing the fingerprint sensor when a finger is detected (paragraph 0033-0034). Radke teaches a switch for re-energizing the fingerprint sensor (paragraph 008) but is however not explicit in teaching a clock which counts count the time since the last input into the electronic circuit. The use of a counter to count the since the last input for determining the timeout period is a conventional practice and is further evidenced by Shohara et al. (col. 6 lines 17-29).

It would have been obvious to one of ordinary skill in the art to provide a counter to count the time since the last input into the electronic circuit in Radke because this allows the user to control how soon the device enters the sleep mode after its activation period.

Claims 34, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of DeBono US Patent 6927671 in view of Radke US Patent Application Publication 20040155752 and further in view of Bonder et al. US patent 6078265.

Regarding claims 34-38, Hsu et al. teaches enrolling new user fingerprint (col. 2 lines 35-42), a starter interlock for preventing the actuation of the ignition without a valid fingerprint (col. 6 lines 50-60) but is silent on teaching a password protected detachable enroller. Bonder et al. in an art related fingerprint security system teaches the use of a password protected detachable programming unit for programming new fingerprint (col. 5 lines 20-22).

It would have been obvious to one of ordinary skill in the art to have a password protected enrollment device because this enables the addition of new users to the fingerprint

protected system and further ensure that the enrollment device is operated by an authorized person.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 in view of DeBono US Patent 6927671 in view of Radke US Patent Application Publication 20040155752 in view of Bonder et al. US patent 6078265 and further in view of Dutu US Patent 6727800.

Regarding claim 35, Hsu et al. teaches a fingerprint sensor for receiving a fingerprint (see response to claim 19) but is silent on teaching a shuttle card containing the fingerprint information. Dutu in an art related fingerprint security system teaches a card reader and the use of shuttle card in the form of a smart card that includes a chip to store a fingerprint template (col. 4 lines 46-55).

It would have been obvious to one of ordinary skill in the art to modify the fingerprint system of Hsu et al. in view of DeBono in view of Radke in view of Bonder et al. as disclosed by Dutu because the smart card ensures that the vehicle will only operate when the smart card is installed in the reader of the vehicle And therefore increase the security of the vehicle.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vernal Brown
November 9, 2006

BRIAN ZIMMERMAN
PRIMARY EXAMINER